


**CERTIFICATE OF MAILING**

Date: 9-26-03  
Express Mailing Label No.: EV308811657US

I hereby certify that on the date listed above, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in accordance with 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee," with sufficient postage in an envelope addressed to: Mail Stop Application Number, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Trudi Thompson

PATENT  
Docket No. 14381.15

00746 U.S. PTO  
10/672668  
09/26/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**UTILITY PATENT APPLICATION TRANSMITTAL**

Mail Stop Application Number  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of inventors:

A. Satyanarayan Naidu  
Bing Baksh

For: PREBIOTIC AND PRESERVATIVE USES OF OIL-EMULSIFIED PROBIOTIC ENCAPSULATIONS

**1. Type of Application**

This new application is for a(n)

- ☒ Original (non provisional)  
☐ Design  
☐ Plant  
☐ Continuation-in-part (CIP)

**2. Benefit of Prior U.S. Application(s) (35 USC §§ 119(e), 120, or 121)**

- ☒ The new application being transmitted claims the benefit of prior U.S. applications. Enclosed is a NEW APPLICATION WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) IS CLAIMED.

**3. Papers Enclosed**

A.

<u>27</u>	pages of specification
<u>3</u>	pages of claims
<u>5</u>	sheets of drawings (do not submit original drawings)

*(complete the following, if applicable)*

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 CFR 1.84(b).

B. Other Papers Enclosed

<u>3</u>	Pages of declaration and power of attorney
<u>1</u>	Pages of abstract
<u>      </u>	Other - Power of Attorney by Assignee

4. **Declaration or oath (including power of attorney)**

- ☒ Enclosed  
☒ Executed by inventor(s)

5. **Inventorship Statement**

Inventorship for all the claims in this application are:  
☐ The same.

6. **Assignment**

- ☐ An assignment of the invention to \_\_\_\_\_  
☐ is attached.  
☐ was filed in parent application  
☐ will follow.

7. **Fee Calculation**

A. ☒ Regular application

CLAIMS AS FILED					
Number filed	Number Extra	Rate		Basic Fee 37 CFR § 1.16(a)/	
		Large Entity	Small Entity	Large Entity \$750.00	Small Entity \$375.00
Total Claims (37 CFR § 1.16(c))	23 - 20 = 3	x \$18.00=	x \$9.00 =		27.00
Independent Claims (37 CFR § 1.16(b))	6 - 3 = 3	x \$84.00=	x \$42.00 =		126.00
Multiple dependent claims(s), if any (37 CFR § 1.16(d))			+ \$280.00=		140.00

- ☐ An amendment canceling extra claims is enclosed.  
☐ An amendment deleting multiple-dependencies is enclosed.  
☐ The fee for extra claims is not being paid at this time

Filing Fee Calculation

B. ☐ Design application (\$330-37 CFR§1.16(f)) \$ \_\_\_\_\_  
C. ☐ Plant application (\$540-37 CFR§1.16(g)) \$ 668.00

8. **Small Entity Statement(s)**

☒ Applicant claims small entity status. See 37 CFR 1.27

9. **Fee Payment Being Made at Time**

- ☐ Not Enclosed  
☐ No filing fee is to be paid at this time.  
☐ Enclosed  
☐ Filing Fee

\$ \_\_\_\_\_

10. **Method of Payment of Fees**

- ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.  
☒ Charge Deposit Account No. 50-1329 in the amount of \$668.00.  
A duplicate of this transmittal is attached.

11. ☐ Request and Certification under 35 USC §122 (b)(2)(B)(i) (Non-publication Request)

12. **Authorization to Charge Additional Fees**

*(If no fees are to be paid on filing, the following items should not be completed)*

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-1329.
- ☒ 37 CFR §§ 1.16(a), (f), or (g) (Filing fees)
- ☒ 37 CFR §§ 1.16(b), (c), and (d) (presentation of extra claims)
- ☒ 37 CFR §§ 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 CFR §§ 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))
- ☒ 37 CFR §§ 1.17 (application processing fees)
- ☐ 37 CFR §§ 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR § 1.1311(b))

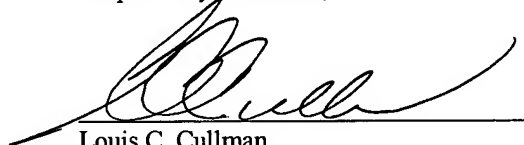
13. **Instructions as to Overpayment**

- ☒ Credit Account No. 50-1329
- ☐ Refund

14. **Correspondence Address**

- ☒ Customer Number. 31278

Respectfully submitted,



Louis C. Cullman  
Registration No. 39,645

September 26, 2003

STRADLING YOCCA CARLSON & RAUTH  
660 Newport Center Drive, Suite 1600  
Newport Beach, CA 92660  
Telephone: 949.725.4000  
Facsimile: 949.725.4100